

**REMARKS**

The Patent Office is again respectfully requested to change its records to reflect the new Power of Attorney that was filed on March 20, 2008 as acknowledged in the Office Action on September 30, 2009.

To help with this process, a new Power of Attorney is being submitted with this response. Per the Power of Attorney the Patent Office should be corresponding with:

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Claims 1-2, 8-10 and 22-27 stand rejected under 35 U.S.C. 103(a) as being obvious over Dimitri (U.S. Patent 6,839,802) in view of Jacobsen (U.S. Patent 5,392,244) and Kim (U.S. Patent 6,717,436).

In aspects of the present invention, a performance process or system measures the actual performance of different locations in a storage array by making experimental read and write operations across a logical block name space. These measurements are used to determine whether various locations can be aggregated into like regions. (See for example, Applicants' specification at page 7, lines 4-11). A mapping process or element then aggregates the logical block names for locations measured to have an identical level of performance. This results in the creation of different storage pools.

The Applicants' claimed process and system then assigns different RAID levels to these different regions based upon the different measured levels of performance of the locations within the regions (see at least the Applicants' specification at page 2, lines 17 through 19, and page 4 lines 9 through 11, and Fig. 4 and claim 1, 11 and 19).

It is noted with thanks that Advisory Action dated October 12, 2010 indicated that claims 27 and 29 would be allowable if rewritten in independent form. With entry of the foregoing amendment attributes of previously dependent claim 27 have now been incorporated into claim

1. It is therefore believed that claim 1 is in condition for allowance. Likewise, claims 2 through 10 and 22 through 26 depend from claim 1 and should be allowable for the same reasons.

Similarly, all aspects of method claim 29 have now been incorporated into independent method claim 11. Therefore, claim 11 should be in condition for allowance.

Claims 12, 18, and 28 through 31 all depend from claim 11 and should also be allowable for the same reasons.

Claim 19 has similarly been amended to incorporate the features of previous dependent claim 29. Claim 20 depends from claim 19 and is thus patentable for the same reason.

All claims in the application are considered therefore to be in condition for allowance.

### **CONCLUSION**

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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